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DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

February 26, 2020

VIA CM/ECF

Honorable Reggie B. Walton
United States District Court
for the District of Columbia
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: *New York et al. v. EPA*, Case No. 18-cv-0773 (D.D.C.)

Dear Judge Walton,

The Parties in the above-referenced matter have a discovery dispute that they have been unable to resolve and would like to raise with the Court at the previously-scheduled status conference on March 3, 2020. The dispute involves five documents requested by Plaintiffs the State of New York et al. (collectively "Plaintiffs") that Defendants the U.S. Environmental Protection Agency, *et al.* (collectively "EPA") have withheld on the basis of deliberative process privilege.

Pursuant to the Court's Minute Order of January 17, 2020, the deadline for completing discovery is currently February 28, 2020. Since the close of document discovery on November 22, 2019, the Parties agreed upon a schedule for a Fed. R. Civ. P. 30(b)(6) deposition and four fact depositions, the last of which is scheduled to take place on February 27, 2020 in Raleigh, North Carolina. However, for purposes of resolving their limited discovery dispute, the Parties jointly request that the Court extend the discovery cutoff through March 3 so that they may discuss with the Court how to resolve that dispute at the March 3 conference. The Parties have agreed to work together to promptly complete discovery, if the Court determines that the five withheld documents should be disclosed.

Very truly yours,

FOR THE STATE OF NEW YORK

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